

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                           |    |                     |
|---------------------------|----|---------------------|
| -----                     | X. |                     |
|                           | :  |                     |
| UNITED STATES OF AMERICA, | :  | 10 Cr. 034-01 (DLC) |
|                           | :  |                     |
| -v-                       | :  |                     |
|                           | :  |                     |
| KESHAWNA CLINTON,         | :  |                     |
|                           | :  |                     |
| Defendant.                | :  |                     |
| -----                     | X  |                     |

|                      |           |
|----------------------|-----------|
| ORDER                |           |
| USDC SDNY            |           |
| DOCUMENT             |           |
| ELECTRONICALLY FILED |           |
| DOC #:               |           |
| DATE FILED:          | 9/28/2012 |

DENISE COTE, District Judge:

On August 8, 2012, this Court received a request from defendant Keshawna Clinton for a reduction in her sentence. The request must be denied.

Clinton was convicted at trial of conspiring to distribute heroin. The conviction carried a mandatory minimum term of imprisonment of ten years. Although the defendant's sentencing guidelines range was 188 to 235 months in prison, on January 21, 2011, the Court imposed the mandatory minimum term of ten years' imprisonment.

Clinton did not appeal her conviction. Therefore, her time to file a petition for a writ of habeas corpus to challenge her conviction expired in February 2012, six months before she submitted this request.

Clinton's August 8 request mentions briefly that her attorney at trial did not do his job. But, the August 8 request principally focuses on her prior employment history and the

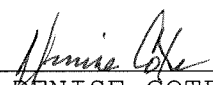
emotional impact of her incarceration. She assures the Court that she will never again associate with "negative people."

There is no legal ground for resentencing Clinton. The time to correct any errors in the sentencing proceeding has long since passed, and indeed she points to no error in the sentencing proceeding. While she mentions in passing that her trial attorney did not do his job when representing her, the one-year statute of limitation for filing a petition for a writ of habeas corpus to challenge her conviction has expired. Accordingly, it is hereby

ORDERED that the August 8, 2012 request to be resentenced is denied.

IT IS FURTHER ORDERED that the Court declines to issue a certificate of appealability. Clinton has not made a substantial showing of a denial of a federal right, and appellate review is therefore not warranted. Love v. McCray, 413 F.3d 192, 195 (2d Cir. 2005). The Court also finds pursuant to 28 U.S.C. § 1915(a)(3) that any appeal by Clinton from this Order would not be taken in good faith. Coppedge v. United States, 369 U.S. 438, 445 (1962).

Dated: New York, New York  
September 27, 2012

  
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DENISE COTE  
United States District Judge

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